

EXHIBIT 45

Appendix C to Brief of United States in Ninth Circuit dated
January 16, 1939

1c

APPENDIX C

Appellant on page 11 of its Brief states that; "In 1926 Congress (Act of June 30, 1926, 44 Stat. 779) authorized a reconnaissance to determine the feasibility of constructing a dam on Walker River to conserve its water for irrigation (R. 399-400, 498). Pursuant to this authorization a report was made recommending among other things that a storage reservoir be created for the reservation (R. 400-401, 498). It does not appear that any action was taken on this report."

As we have set out in our Statement of the Evidence this reservoir was built after the evidence in this case was closed. Because we feel the Court should have this information we are setting out an acknowledged statement by Harold L. Ickes, Secretary of the Interior with regard to the storage reservoir for the Walker River Indian Reservation lands.

"FEDERAL EMERGENCY ADMINISTRATOR
OF PUBLIC WORKS
WASHINGTON

To Whom It May Concern:
This is to certify that:

1. "The undersigned, as Administrator of the Federal Emergency Administration of Public Works, did, on September 9, 1933, include in the comprehensive program of public works a project for the construction of the Walker River Storage Dam located in the State of Nevada and did allocate to the Department of the Interior, Bureau of Indian Affairs, the sum of \$130,000 to finance the construction of such project.
2. "On January 1, 1935, the undersigned, as Administrator of the Federal Emergency Administration of Public Works, did approve an amendment reducing the allotment for such project by \$1,300, leaving a net allotment of \$128,700.
3. "On February 7, 1935, the undersigned, as Administrator of the Federal Emergency Administration of Public Works, did approve a further amendment increas-

RES00005607-1

2c

ing the allotment for such project by \$15,000, making a net allotment of \$153,700.

4. "There is on file, in the offices of the Federal Emergency Administration of Public Works, Washington, D. C., a report made to said Administrator for the month ending November 30, 1935, signed by William Zimmerman, Jr., Assistant Commissioner, Bureau of Indian Affairs, Department of the Interior, showing that such project was completed June 30, 1935.

Washington, D. C., Jan'y. 16, 1939.

Harold L. Ickes
Administrator. "

"

Sworn to and subscribed before me this 16th day of January, 1939.

Ellen L. Ward
Notary Public

(Seal)

Commission expires December 15, 1943"

RES00005607-2

Copy in US v. Walker River Irrigation District, Appeal, 9th Circuit Ct. 10 April 1938
Dike, file 2; pp ~~1021-3~~

RES00005607-3